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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re T.H., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

T.H.,

Defendant and Appellant.

A124803

(Alameda County
Super. Ct. No. SJ07008543-03)

As relevant to the issue raised on this appeal, it is sufficient to state that appellant, minor T.H., was charged in a subsequent petition under Welfare and Institutions Code section 602 with residential burglary (Pen. Code, § 459) and receiving stolen property (Pen. Code, § 496). At the conclusion of the jurisdictional hearing, the juvenile court found both charges true. Appellant was continued as a ward of the court under the supervision of the probation officer.

Appellant contends that the juvenile court failed to comply with section 702 of the Welfare and Institutions Code which requires that a “wobbler,” such as receiving stolen property, be declared a felony or a misdemeanor. As our Supreme Court stated in *In re Manzy W.* (1997) 14 Cal.4th 1199, 1204 (*Manzy W.*), “[t]he requirement is obligatory”

and requires a remand for a “mandatory express declaration” The Attorney General concedes error and we agree.¹

The disposition order is reversed and the cause is remanded for an express declaration under Welfare and Institutions Code section 702 and *Manzy W.*, *supra*, 14 Cal.4th 1199.

Reardon, Acting P.J.

We concur:

Sepulveda, J.

Rivera, J.

¹ Because this case must be remanded for *Manzy W.* error which, when corrected, could result in a different disposition, we need not address the contention, raised for the first time in appellant’s reply brief, that the maximum time of confinement was incorrectly calculated.